

RESOLUTION NO. ZA2013-0##**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-004 ALLOWING AN INCREASE IN SIGN HEIGHT FOR GROUND SIGNS LOCATED WITHIN THE KOLL CENTER PLANNED COMMUNITY (PA2013-047)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Adam Burrows of JB3D, with respect to property located in the Koll Center Planned Community Zoning District (PC-15), more specifically 4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard, 4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue, and 4900, 4910, 5000 Birch Street, requesting approval of a Modification Permit.
2. The requested Modification Permit will amend existing Modification Permit No. MD2006-026 which allowed an increase in sign height for 11 ground signs located in the Koll Center Planned Community.
3. Specifically, the applicant requests five illuminated ground signs each measuring 8 feet ~~9 inches~~ high. Three signs will replace existing signs previously approved by MD2006-026 and two signs will be new. The remaining eight existing ground signs will remain unchanged.
4. The subject properties are located within the Koll Center Planned Community (PC-15) Zoning District and the General Plan Land Use Element category is Mixed Use Horizontal (MU-H2).
5. The subject properties are not located within the coastal zone.
6. A public hearing was held on August 29, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act Guidelines - Class 11 (Accessory Structures).

2. The Class 11 exemption consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

- A-1. The request affects multiple properties within the Koll Center Planned Community which is developed with commercial buildings.
- A-2. The Modification Permit will allow the applicant to install five ground signs (2 new signs, 3 replacement signs) that will identify property addresses and tenants within a large existing commercial complex (Koll Center Newport).
- A-3. Ground signs are commonly used in large commercial complexes such as the Koll Center Newport to identify the location of a specific address or tenant.
- A-4. Signs as proposed are comparable in size and appearance with existing signs in the area which have not been deemed incompatible with the surrounding neighborhood. Signs proposed measure 8 feet ~~9 inches~~ high. Existing signs approved by MD2006-026 range between 6 feet 2 inches and 9 feet in height.
- A-5. The addition of two new sign locations on MacArthur Boulevard (between Von Karman Avenue and Birch Street) will help unify the existing arrangement of ground signs in the Koll Center Planned Community since this portion of street frontage does not contain any address or tenant identification signs.
- A-6. The Modification Permit will allow ground signs that are in scale with the buildings along street frontages. Proposed signs measure approximately ~~55-48~~ square feet which is ~~145-152~~ square feet less than allowed within the Zoning District.

Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

- B-1. The Koll Center Planned Community is comprised of approximately 154 acres, consists of numerous addresses, and is generally bounded by major roadways on the northeast by Campus Drive, on the southeast by Jamboree Road and on the west by MacArthur Boulevard.
- B-2. The roadways are characterized by long wide streets, limited driveway access, few traffic signals, and limited opportunities for vehicles to turn around.
- B-3. An increase in sign height will provide enhanced visibility to traffic on MacArthur Boulevard and Birch Street which travel at higher rates of speed, and will provide adequate sign area for multiple tenants to be identified from adjacent roadways. Signs proposed are intended to provide identification for up to three tenants.
- B-4. The proposed increase in height is necessary due to pedestrian, bicycle, and utility easements located along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages which make sign visibility difficult for vehicular traffic. Easements require signs be setback between 6 to 24 feet from the property line.
- B-5. The proposed height and size of signs is necessary due to overall size of the Koll Center Newport commercial complex and will provide vehicular traffic with adequate and legible identification to buildings and tenants.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

- C-1. The general purpose and intent of the Zoning Code, as it pertains to signs, is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
- C-2. A strict application of the Koll Center Planned Community sign standards will result in less than optimal identification as a result of existing easements that require signs be setback further from the street right-of-way.
- C-3. Limiting signs to a maximum height of four feet will create a practical difficulty by impairing optimal identification by vehicles which typically travel at higher speeds along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

- D-1. The granting of the modification allows the applicant to install five ground signs measuring 8 feet ~~9-inches~~ high instead of limiting height to four feet.
- D-2. Signs constructed at four feet in height would hinder optimal identification by vehicles travelling along MacArthur Boulevard, Jamboree Road, and Birch Street due to existing easements which require sign placement further from the right-of-way.
- D-3. An alternative would be to maintain a sign height of four feet, and provide a wider sign with increased letter height for visibility. However, such a sign would be out of scale with surrounding properties and incompatible with previously approved signs.
- D-4. Granting the modification would provide less detriment to the surrounding owners and occupants, the neighborhood, or the general public relative to any traffic enhancements.

Finding:

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

- E-1. The proposed ground signs are consistent with signs elsewhere in the City as well as existing signage within the Koll Center Planned Community which has demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.
- F-2. The signs as proposed will neither change the density or intensity of the existing commercial uses nor affect the flow of light or air to adjoining properties.
- E-3. The proposed signs will not interfere with sight distance from any street, alley, or driveway.
- E-4. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.

E-5. There are no public views through or across the subject property that are affected by the proposed project.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Modification Permit No. MD2006-026, which upon vesting of the rights authorized by Modification Permit No. MD2013-004 shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 29TH DAY OF AUGUST, 2013

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. All proposed signs shall be in conformance with the approved sign standards for the project site and provisions of the Koll Center Planned Community regulations (except as modified by applicable conditions of approval).
3. Type A signs may be double faced. The base of the structure shall be located a minimum of 3 feet from back of sidewalk. The sign portion of the structure shall be a minimum of 3 feet 6 inches from back of sidewalk. (Previous condition of approval per MD2006-026).
4. Type A signs shall not exceed a maximum average height of 7 feet 2 inches measured from existing finish grade. (Previous condition of approval per MD2006-026).
5. Type B signs shall measure 4 feet long by 1 foot 1 inch wide at the base, and the sign area shall measure 3 feet 5 inches long by 8 inches wide by 5 feet 1.5 inches high, as depicted on the plans submitted with this application. (Previous condition of approval per MD2006-026).
6. Type B signs shall not exceed a maximum height of 6 feet 2 inches measured from lowest grade to the top of the sign where the grade slopes, and a maximum of 5 feet 10 inches where the grade is flat. In no case may any Type B sign exceed a maximum average height of 6 feet. (Previous condition of approval per MD2006-026).
7. Type C signs may be double faced. Signs shall not exceed a maximum height of 8 feet ~~9 inches~~ measured from existing grade, and sign area shall be consistent with approved plans.
8. Sign C.1 shall be located a minimum of 24 feet back from the MacArthur Boulevard property line, outside of the bicycle and pedestrian easement.
9. Sign C.2 shall be located a minimum of 16 feet back from the Jamboree Road property line, outside the bicycle and pedestrian easement.
10. Sign C.3 shall be located a minimum of 19 feet back from the Birch Street property line, outside of the bicycle and pedestrian easement.
11. Signs C.4 and C.5 shall be located outside the 6-foot wide public utility and pedestrian easement.

12. Signs shall include the project complex name ("Koll Center Newport") and the project site addresses as depicted on the plans submitted with this application. Any future revisions or changes to the signs approved by this Modification Permit due to a change in the name of the project complex shall be reviewed and approved by the Community Development Director, so long as the sign size and number of signs does not increase. Any increase in the size or number of signs shall require an amendment to this application. Any change to Sign Type B to include tenant identification may be permitted subject to review and approval by the Director in accordance with the Staff Approval procedure. (Previous condition of approval per MD2006-026).
13. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
14. Plans submitted for building permits shall clearly show and label all easements.
15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
16. This Modification Permit may be modified or revoked by the Zoning Administrator if determined to be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity.
17. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
18. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved project plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
19. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
21. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved

in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of the Koll Center Ground Signs including, but not limited to, the Modification Permit No. MD2013-004 (PA2013-047). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.